

FILED
IN CLERKS OFFICEAffidavit to Accompany
Motion for Leave to Appeal in Forma Pauperis 20U.S. DISTRICT COURT
DISTRICT OF MASS.District Court No. _____
Appeal No. _____

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: Cory Hullard

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 07/04/06

My issues on appeal are: I feel that the sentence is too harsh, and significantly overrepresents my criminal history. I ~~was~~ at first pleaded to ACC with 15 years min-mando. But my PSI came back that I was a Career Offender and that I was not ACC. I feel that I should have got a revised plea

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ None	\$ 10,000	\$ 0	\$ 1,700
Self-employment	\$ None	\$ 0	\$ 0	\$ 0
Income from real property (such as rental income)	\$ None	\$ 0	\$ 0	\$ 0
Interest and dividends	\$ None	\$ 0	\$ 0	\$ 0

monthly

and
plead out
to Career
offenderSee
Separate
Sheet
for
my issues
of appeal

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Gifts	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child support	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>None</u>	\$ <u>yes</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>Welfare</u>	\$ <u>None</u>	\$ <u>588</u> ^{monthly}	\$ <u>0</u>	\$ <u>N/A</u>
Total Monthly income:	\$ <u>None</u>	\$ <u>1,700</u> ^{monthly}	\$ <u>0</u>	\$ <u>2</u> ^{1,700}

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

3. List your spouses's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
<u>Allegiance Hospice</u>	<u>Pleasant St</u>	<u>Jan 06</u>	<u>1,700</u>
		<u>+0</u>	
		<u>pleasant</u>	

4. How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home <u>N/A</u>	(Value)	Other real estate _____	(Value)	Motor Vehicle #1 Make & year: <u>1997 Toyota</u>	(Value) <u>3,000</u>
_____		_____		Model: <u>CAMRY ITS my wifes</u>	
_____		_____		Registration#: _____	<u>Mothers CAR</u>
Motor Vehicle #2 Make & year: <u>N/A</u>	(Value)	Other assets _____	(Value)	Other assets _____	(Value) <u>She only drive</u>
Model: _____		_____		_____	
Registration#: _____		_____		_____	

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	_____	_____
_____	_____	_____
_____	_____	_____

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>Ariana Grace</u>	<u>child</u>	<u>6</u>
<u>Aries Hubbard</u>	<u>child</u>	<u>2</u>
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ 0	\$ 168
Are any real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$ 0	\$ 60
Home maintenance (repairs and upkeep)	\$ 0	\$ 40
Food	\$ 0	\$ 300
Clothing	\$ 0	\$ 100
Laundry and dry-cleaning	\$ 0	\$ 40
Medical and dental expenses	\$ 0	\$ 0
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 20
Insurance (not deducted from wages or included in Mortgage payments)	\$ 0	\$ 0
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in Mortgage payments)(specify): _____	\$ 0	\$ 0
Installment payments		\$ 0
		\$ 0
Motor Vehicle	\$ 0	\$ 0
Credit card (name): _____	\$ 0	\$ 0
Department store (name): _____	\$ 0	\$ 0

Spouse

Other: _____	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operations of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>Day Care</u>	\$ <u>0</u>	\$ <u>200</u> monthly
Total monthly expenses:	\$ _____	\$ _____

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? \$ 0

If yes, state the attorney's name, address, and telephone number:

N/A
N/A
N/A

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? \$ 0

If yes, state the person's name, address, and telephone number:

N/A
N/A
N/A

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal. I've Been incarcerated since July 3, 2004

13. State the address of your legal residence.

At Cory Hubbard

Plymouth County House of Correction

Your daytime phone number: ()

Your age: 28

Your years of schooling: 9

Docket#
04CR10235

Cory Hubbard

My issues of appeal are

I Feel that the sentence is too harsh and significantly over represents my criminal history.

Also that first I pled guilty to Armed Career Criminal which is fifteen years min/max. But My P.S.I. had turned out to be Career Offender and not A.C.C.

As of then I should have got a Revised plea agreement and should have pled to Career Offender which is a few years less.

I believe I need help and

Structure but I have four

Children and this has destroyed

their life even if I got

a few years less it would make more sense.

Docket# 04CR10235

Cory Hubbard